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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,398	07/17/2003	Joseph Carr Meyers	2020913(FGT1689)	1397
28549	7590	10/11/2005	EXAMINER	
KEVIN G. MIERZWA ARTZ & ARTZ, P.C. 28333 TELEGRAPH ROAD, SUITE 250 SOUTHFIELD, MI 48034			BEHNCKE, CHRISTINE M	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

MC

Office Action Summary

Application No.

10/604,398

Applicant(s)

MEYERS ET AL.

Examiner

Christine M. Behncke

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30,32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-30,32 and 33 is/are allowed.
- 6) ☒ Claim(s) 1, 2, and 5-7 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the Amendment and Remarks filed 25 July 2005, in which claims 1-30, 32 and 33 were presented for examination.
2. The Examiner acknowledges the submitted oath or declaration filed 25 July 2005 and withdraws the previous objection to the oath/declaration.
3. The Examiner acknowledges the amended specification filed 25 July 2005 and withdraws the previous objection to the drawings and the specification.
4. The Examiner acknowledges the amendment of claim 28 filed 25 July 2005 and withdraws the previous objection to claim 28.

Response to Arguments

5. Applicant's arguments filed 25 July 2005 regarding claim 1 have been fully considered but they are not persuasive. Applicant contends that the applied reference of Woywod et al. does not disclose or suggest suppressing the wheel lift pressure request in response to the roll pressure request and further that the reference does not disclose a roll control pressure request. The Examiner respectfully disagrees. Woywod et al. discloses a roll control pressure request by in the situation when a critical transverse acceleration is detected (a roll) an active pressure increase is effected on the brakes of the front axle which leads to a limitation of the cornering force on the front axle,

decreasing the transverse acceleration on the vehicle. Woywod et al. further discloses wherein the other control components are influenced by the detection of the critical transverse acceleration, wherein the braking for counteracting the transverse acceleration takes priority over the previous braking components/strategies in place (Column 4, line 47-Column 5, line 42).

Claim Rejections - 35 USC § 102

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Woywod et al., US Patent No. 6,366,844.

7. **(Claim 1)** Woywod discloses a method of controlling an automotive vehicle comprising: detecting a potential for a wheel lift (Column 3, lines 59-67); determining a wheel lift pressure request to determine wheel lift (Column 3, lines 59-67 and Column 4, lines 3-11); generating a roll control pressure request (critical transverse acceleration detection, Column 4, line 47-Column 5, line 18); and suppressing the wheel lift pressure request in response to the roll control pressure request (Column 4, line 47-Column 5, line 18, braking strategy to counter the critical transverse acceleration is given priority over wheel lift detection and the braking strategy is adjusted accordingly).

8. **(Claim 2)** Woywod further discloses wherein determining a wheel lift pressure request comprises determining a wheel lift pressure request to determine wheel lift for a first wheel on a hydraulic circuit (Column 3, lines 59-67 and Column 5, lines 38-42).

9. **(Claim 7)** Woywod further discloses wherein discontinuing suppressing when the vehicle is grounded (Figure 5).

Claim Rejections - 35 USC § 103

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woywod et al., in view of Yamada et al., US Patent No. 6,315,373.

Woywod et al. discloses the method previously discussed but does not explicitly disclose that the suppression discontinues below a second threshold or during a stable roll motion.

11. **(Claim 5)** However, Yamada et al. does teach that when a roll control pressure request is below a second threshold, the previous suppression of braking is discontinued (Abstract).

12. **(Claim 6)** Further, Yamada et al. teaches discontinuing the suppression during a stable roll motion (Abstract, a stable roll motion would naturally occur below the second threshold).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Woywod with the teachings of Yamada because it would increase safety and system costs to incorporate more subtle exit strategies from the roll control system when the critical event has been rectified.

Allowable Subject Matter

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13. Claims 3 and 4 are objected to as being dependent upon a rejected base claim and are at present considered to overcome the prior art of record if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. Claims 8-30, 32 and 33 are at present considered allowable.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine M. Behncke whose telephone number is (571) 272-8103. The examiner can normally be reached on Monday - Friday 8:30 AM - 5:30 PM.

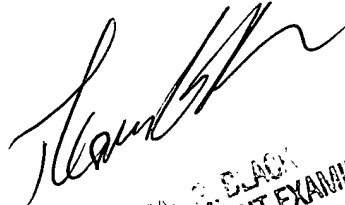
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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09-29-2005


THOMAS E. BLAY
SUPERVISORY PATENT EXAMINER
GROUP 3600